

In the Court of Addl.District & Sessions Judge-II, Gopalganj.

Sidhwalia P.S.Case No. 71/2020

Order

30-05-2020

Bail petition dated 12-05-2020 filed on behalf of the petitioners Raghubar Sahni and Ramesh Manjhi, who are in custody since 10-05-2020 in connection with Sidhwalia P.S.Case No. 71/2020 U/s 30(a) of Bihar Prohibition and Excise Act 2018 has been pressed today.

Learned counsel for the petitioners submits that the petitioners are quite innocent and have falsely been implicated in this case. No bail petition either regular or anticipatory has been filed, moved or pending on behalf of the petitioners by this Court or any superior Court except this one. Learned counsel further submits that the prosecution story is totally false, fabricated and concocted and nothing has been recovered from the conscious possession of the petitioners. Learned counsel further submits that petitioner Ramesh Manjhi is suffering from T.B. and petitioners have no any criminal antecedent and petitioners are in judicial custody since 10-05-2020 and prayed for bail.

On the other hand the learned Spl. P.P. appearing on behalf of the State opposed the prayer for bail.

The prosecution case, in brief is that the informant of this case Arvind Prasad Yadav A.S.I. Sidhwalia P.S. has given a written petition to the S.H.O. Sidhwalia P.S., stating therein that on 08-05-2020 at about 05.30 p.m. he along with other police forces were on patrolling duty and reached at village Hasanpur and received secret information that Raghubar Sahni, Yodha Mahto and Ramesh Manjhi, resident of village Salempur have stored illegal wine and the said wine is being sold by them near Gandak river. On the basis of said information the informant reached at there along with escort party, seeing the police three persons started fleeing, police chased but they succeeded to flee away taking advantage of bushes and river. Seeing the police villagers assembled there and disclosed the name of fleeing persons as Raghubar Sahni, Yodha Mahto and Ramesh Manjhi and during search total 25.00 litre illegal wine have been recovered which was kept in the gallon. According to rule a seizurelist was prepared in this regard.

As per submission of learned counsel for the petitioner, medical report of the petitioner Ramesh Manjhi was called for from the Jail authority and medical report of the Ramesh Manjhi has been received from Jail authority vide letter No. 1694 dated

Contd.

30-5-2020

29.05.2020, it has been reported by the medical officer Mandal Kara Gopalganj that the accused Ramesh Manjhi is suffering from Rifampicin Resistent Tuber closis and he is taking medicine at the advise of Doctor of Sadar Hospital Gopalganj.

Heard both sides through video conferencing and perused the case record as well as seizurelist. From perusal of seizurelist it appears that 25.00 litre illegal wine have been recovered on the spot, seeing the police escort party the petitioners managed to escape away.

Considering the health condition of petitioner Ramesh Manjhi and keeping in view the content of para 3 of bail petition and medical report ,this petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each.

In the meantime P.R.Bond may be filed. All original documents and bail bond with court fee shall be filed after restoration of normal situation.

So far as the bail petition of accused Raghubar Sahni is concerned, recovery of illegal wine is 25 litre, he was identified by the local persons.

In the facts & circumstances and keeping in view the quantity of recovery, I am not inclined to enlarge the petitioner Raghubar Sahni on bail. Accordingly, the prayer for bail of the petitioner stands rejected. Petitioner may renew his prayer of bail after completion of 60 days of custody. (Dictated)

A.D.J.II,